

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cr217**

UNITED STATES OF AMERICA,

Vs.

JARED JEFFRIES,

Defendant.

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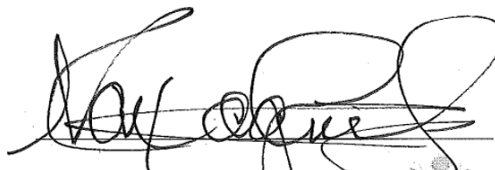
**ORDER
Simmons Dismissal**

THIS MATTER is before the court on the government's Motion to Dismiss and Amended Motion to Dismiss. Having considered the government's motion and reviewed the pleadings in light of United States v. Simmons, ___ F.3d ___, 2011 WL 3607266 (4th Cir. Aug. 17, 2011), and it appearing that jeopardy has already attached, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the government's Motion to Dismiss (#31) is **DENIED** as moot and the Amended Motion to Dismiss (#32) is **GRANTED**, the Verdict of the jury is set aside, and the Indictment in the above captioned case is **DISMISSED** with prejudice.

Signed: September 20, 2011


Max O. Cogburn Jr.
United States District Judge